IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.111 OF 2000

The Commissioner of Income Tax ..Applicant.

V/s.

Mahindra & Mahindra Ltd. ..Respondent.

Mr.R.V.Desai, senior counsel with R.Asokan for applicant.

Mr.J.D.Mistry with B.V. Jhaveri for respondent.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 14TH FEBRUARY, 2005.

P.C. :-

1. Heard the learned counsel for the applicant and the respondent. Perused the order of the Income Tax Appellate Tribunal dated 30th August, 1999. The following substantial question of law has been framed by the Revenue, which reads as under :-

1. On the facts and circumstances of the case, the Tribunal was right in upholding the CIT(A)'s order allowing entire contribution to superannuation fund as against 1/5th of 80% of initial contribution ?

2. On the facts and circumstances of the case, the Tribunal was right in upholding the CIT(A)'s order allowing deduction for the

liabilities provided on account of special pension under the VRS ?

2. With regard to the first question of law, the learned counsel for the applicant-revenue fairly states that the said question of law is squarely covered by the Judgment of the Supreme Court in the case of **Commissioner of Income-Tax V/s. Sirpur Paper Mills** reported in **237 I.T.R.41**.

3. With regard to the second question of law, the Tribunal has upheld the Judgment given in the earlier assessment years 1985-86 and 1986-87. The learned counsel for the Revenue, in spite of adjournments being given in the matter, is unable to make a statement as to whether any appeal is filed against the said orders. The Revenue has accepted the earlier assessment orders and, therefore, there is no substantial question of law involved. Hence application stands dismissed.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)